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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 03/18/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

22

Office Action Summary

Application No.

09/821,041

Applicant(s)

HELT, DAVID J.

Examiner

Susan Y Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This is in response to the amendment filed on 01/07/2004.
2. Claims 1-16 are pending for examination, claims 6 and 11 have been amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Day, III et al. (U.S. Patent No. 6,185,580), in view of Crawford (U.S. Patent No. 6,411,943).

As to claims 1, 6 and 12, Day, III et al. (hereinafter referred as Day) discloses a system with means, method and computer program product, for converting a plurality of data files and associated information from a first file format to a second file format [e.g. see Fig(s). 2-6; Abstract], comprising:

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- a) a legacy file server for storing a plurality of legacy data files in a first file format [e.g. see Fig. 2, wherein the legacy server (212) coupled to the disk controller (220) to store data files into a plurality of storage devices (e.g. the units: 230, 232, 234)];
- b) a file extraction program [e.g., the virtual device file system emulating program, Abstract, lines 7-18; col. 5, lines 3-8] of the intermediary controller (250, Fig. 2) [col. 2, lines 9-16, Fig. 5] for retrieving the legacy data files, indexing, and work history information from the legacy file server [Abstract, lines 7-18, col. 2, lines 9-16; col. 4, lines 12-13, lines 21-26; lines 53-55; Fig(s). 4-6];
- c) the file extraction program [e.g., the physical information and extension (PIE) file of the intermediary controller (250), Fig. 2] further operating to convert the legacy data files and related information into data files meeting a current selected format [col. 2, lines 10-16, lines 20-33; col. 6, lines 19-27; Fig(s). 5-6].

Day discloses using a disk array controller to check for the hit of a requested data block [col. 1, lines 27-29], Day did not expressively teach: 1) applying a verification program for ensuring that the conversion made by a file extraction server; 2) a file importation program to import the newly converted data files into a format file server.

However, Crawford discloses: 1) applying a verification program [e.g. the Boot Customer Computer program (502-507), Fig. 10], for ensuring that the conversion made by a file extraction server is completed without error [e.g. see col. 32, lines 3-9; Fig(s). 10-11 and associated texts]; 2) an importing program [e.g., the communication software,

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col. 17, line 51; or the communication link module (150), Fig. 5] to load the newly converted data files into a format file server [col. 17, lines 47-66; the Replica Server Router Control (480), Fig. 9]. Thus, It would have been obvious to an ordinary skilled person in the art, at the time the invention was made, to combine the teachings of Day and Crawford, by adding a verification program and communication software as taught by Crawford in Day's disk controller, because by doing so, the system is allowed to check the completion of the data file as it go through the conversion processing made by the file extraction server (or the replica server) and thus, import/export the converted files as online service control data to a desired format file server [e.g., see the steps 502-504, Fig. 10] via the communication software as suggested by Crawford.

As to claims 2-5, 7 and 13-16, Day and Crawford teach all the features as claimed, Crawford further disclose that the file extraction program (i.e. the local disk access program, the Remote Disk access Program, Fig. 6E) is resident on a file extraction server [i.e., the online Service Replica Server (160), Fig. 6E] operatively

connected to the legacy file server [e.g., the online Service Host computer system (104), Fig. 6E]. wherein, the file extraction server [e.g., the Replica Computer (160), Fig. 3] comprising the following functions:

- a) receiving a listing of files to be converted from one format to second format via the communication link [150, Fig. 3; steps 404-406, Fig. 8A];
- b) determining an accuracy of the second format data file, if it is not accurate than generating an error message [col. 37, lines 4-9];

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c) creating a virtual disk to include indexing information [col. 6, lines 6-16; col. 19, lines 17-25; lines 29-34];

d) converting media and document from first format to second format by using a replica [col. 10, lines 9-12].

As to claims 8-10, Day and Crawford teach all the features as claimed, Crawford further disclose that the conversion verification program [e.g. the Security module of the Customer Computer System(50), Fig. 6E] is resident on a conversion verification server [e.g. the Customer Computer System(50), Fig. 6E] operatively connected to the legacy file server [e.g., the online Service Host computer system (104), Fig. 6E] and the file extraction server [i.e., the online Service Replica Server (160), Fig. 6E] via a network [e.g., col. 4, lines 34-54; the LAN(82), the Communication Controllers (112a), Fig. 4].

Response to Arguments

4. Applicant's arguments filed on 01/07/2004 have been fully considered but they are not persuasive.

The examiner disagrees with applicant arguments that: 1) "nowhere does Day disclose translating files which include both image portions and work portions (claim 1) or index information (claim 6)"; 2) "the intermediary controller 250 of Day does not perform any extraction functions on original data".

In replay to applicant argument 1), the examiner points out that Day specific discloses a file translation system [e.g., Fig. 2] that translates physical files of first format [e.g., 400, Fig. 4] into a Physical Information and Extension (PIE) File [e.g., 600, Fig. 6] of a second format via a Virtual device file system [500, Fig. 5]. Wherein, the virtual file clearly comprising both the image portions [e.g., the units: 550-570, Fig. 5] and the work portions [e.g., the units: 510-544, 580-590, Fig. 5].

In replay to applicant argument 2), the examiner first points out that the argument is a misinterpretation for the prior art on record. Day expressly discloses an intermediary controller [e.g., 250, Fig. 2] emulating a virtual storage device using a virtual device file system, the virtual device system mapping data stored in a storage device by the originating host to objects in a root directory in the virtual device file system [e.g., col. 2, lines 12-16, Fig. 5]. In addition, Day discloses that the virtual device file system translates data known as objects in the storage devices into a layout viewed by the open system host [e.g., col. 2, lines 25-28, col. 5, lines 2-11]. Furthermore, Day discloses that the virtual file system comprises metadata (e.g., 510, Fig. 5), the metadata providing physical information and extensions to a user of the open system [col. 2, lines 30-33, col. 4, line 56 – col. 5, line 2], such that the open system host (e.g., 210, Fig. 2) performs the extraction functions of data stored on direct access storage devices (e.g., the DASD units: 230, 232, 234, Fig. 2) from the originating host system (e.g., 212, Fig. 2) [e.g., col. 4, lines 12-16] via the emulating program function of an intermediary controller (e.g., 250, Fig. 2) [col. 4, lines 12-26, col. 4, line 56

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– col. 5, line 2]. As such, the emulating program [e.g., Fig(s). 5-6] of an intermediary controlled [e.g., 250, Fig. 2] in the open system [e.g., 210, Fig. 2] is for the open system [e.g., 210, Fig. 2] to retrieve the original and work/index information [e.g., col. 2, lines 9-16, col. 5, lines 3-36, Fig(s). 5-6].

As to the rest of the arguments, applicant rehashes issues already address above.

Thus, based on the combined discussions above, the examiner maintains the same rejections.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Chen
03/09/2004


UYEN LE
PRIMARY EXAMINER